Original amendment submission date	Date of final publication	Citation/description
July 29, 2003	February 16, 2005 ..	MCA 82–4–202(3)(c); (3)(e) except for the phrase "and attainable"; 82–4–203(2); 82–4–203(4) except at (4)(c) the phrase "as necessary to support postmining land uses within the area affected and the adjacent area"; 82–4–203(13), (16), (17), (20) through (23); (24) except the phrase "as they relate to uses of land and water within the area affected by mining and the adjacent area"; (26), (27), (28), (30), (37), (38), (42) through (44), (46), (47), (50), (55); 82–4–221(3); 82–4–222(1)(m)–(p); 82–4–231(10)(k) except the phrase "as necessary to support postmining land uses and to prevent material damage to the hydrologic balance in the adjacent area"; 82–4– 231(10)(k)(vii); (viii) except the phrase "to protect the hydrologic balance as necessary to support postmining land uses within the area affected and to prevent material damage to the hydrologic balance in adjacent areas"; 82–4–232(1) through (10); 82–4–233; 82–4–234; 82–4–235(1)–(1)(c); 82–4–235(1)(e)–(f); 82–4–235(1)(g) except the phrase "are introduced species that have become naturalized"; 82–4–236; HB 373 Section 11; 82–4–252(2); HB 684 repeal of Sec. 5, Chapter 522, Laws of 2001; also all editorial and codification changes. We are taking no action on: MCA 82–4–202(1); 82–4–239.

[62 FR 9946, Mar. 5, 1997, as amended at 64 FR 3610, 3615, Jan. 22, 1999; 66 FR 31533, June 12, 2001; 66 FR 58381, Nov. 21, 2001; 67 FR 6408, Feb. 12, 2002; 68 FR 46477, Aug. 6, 2003; 70 FR 8018, Feb. 16, 2005]

§ 926.16 Required program amendments.

Pursuant to 30 CFR 732.17(f)(1), Montana is required to submit to OSM by the specified date the following written, proposed program amendment, or a description of an amendment to be proposed that meets the requirements of SMCRA and 30 CFR Chapter VII and a timetable for enactment that is consistent with Montana's established administrative or legislative procedures.

(a)–(d) [Reserved]

(e) By October 19, 1992, Montana shall:

(1) Submit proposed revisions to ARM 26.4.301(100), or other revision, to include pioneer and construction roadways in the definition of "road";

(2) through (9) [Reserved]

(f)–(j) [Reserved]

(k) By March 23, 1999, Montana shall revise ARM 26.4.301(52), or otherwise modify its program, to require that the definition of "Historically used for cropland" address lands that would have been likely used as cropland for any 5 out of the last 10 years, immediately preceding such acquisition but for the same fact of ownership or control of the land unrelated to the productivity of the land.

(l) By March 23, 1999, Montana shall revise ARM 26.4.1001, ARM 26.4.401, or otherwise modify its program, to provide for public notice and opportunity to comment on prospecting permit applications, regulatory authority decisions on such applications, and notice and hearing requirements on prospecting permit applications, to be no less effective than 30 CFR 772.12(c), (d), and (e), and 772.15.

(m) By October 6, 2003, Montana shall revise ARM 17.24.911, or otherwise modify its program, to require the prompt replacement of any drinking, domestic or residential water supply that is contaminated, diminished, or interrupted by underground mining activities, regardless of the occurrence of subsidence or whether subsidence has caused material damage or reduced the value or use of surface lands, to be no less effective than 30 CFR 817.41(j) in meeting the requirements of SMCRA 720(a)(2).

[49 FR 20287, May 14, 1989, as amended at 55 FR 19736, May 11, 1990; 57 FR 37446, Aug. 19, 1992; 59 FR 9087, Feb. 25, 1994; 60 FR 6013, Feb. 1, 1995; 64 FR 3610, 3615, Jan. 22, 1999; 67 FR 6408, Feb. 12, 2002; 68 FR 46477, Aug. 6, 2003]

§ 926.20 Approval of Montana abandoned mine land reclamation plan.

The Montana Abandoned Mine Land Reclamation Plan, as submitted on June 16, 1980, and as revised on July 28, 1980, is approved effective November 24, 1980. Copies of the approved plan are available at:

(a) Montana Department of Environmental Quality, 1625 Eleventh Avenue, Helena, MT 59620–1601.